

REMARKS

This amendment is responsive to the non-final Office Action issued October 30, 2009. Reconsideration and allowance of claims 2-8, 10, and 12-20 are requested.

The Office Action

Claims 1-8 and 14 stand rejected under 35 U.S.C. § 101.

Claims 1, 5, 6, 8, 9, 11, 13, and 14 stand rejected under 35 U.S.C. § 102 over Fenster (US 6,610,013).

Claim 7 stands rejected under 35 U.S.C. § 103 over Fenster as modified by Romsdahl (US 7,286,695).

Claims 2, 3, 4, 10, and 12 do not stand rejected on art and are understood to contain allowable subject matter.

**The Claims Distinguish Patentably
Over the References of Record**

Claim 2 has been amended, as suggested by the Examiner, to address the 35 U.S.C. § 101 issues. Because claim 2 does not stand rejected on art, it is submitted that claim 2 and claims 3-8 dependent therefrom distinguish patentably and unobviously over the references of record.

Claim 10 has been placed in independent form. Because claim 10 was indicated as containing allowable subject matter, it is submitted that claim 10 is now in condition for allowance.

Claim 12 has been placed in independent form including the subject matter which generally corresponds to claim 3. The subject matter which generally parallels claim 2 is now set forth in new dependent claim 15. Because claim 3 does not stand rejected on prior art, it is submitted that claim 12 and claims 13, 15, and 16 dependent therefrom are now in condition for allowance.

Claim 14 has been amended to address the 35 U.S.C. § 101 issues and to add subject matter from allowable claim 2. Accordingly, it is submitted that claim 14 and claim 17 dependent therefrom are now in condition for allowance.

New claim 18 is directed to an overall imaging system including an imaging device, an imaging processor programmed to perform a series of steps based

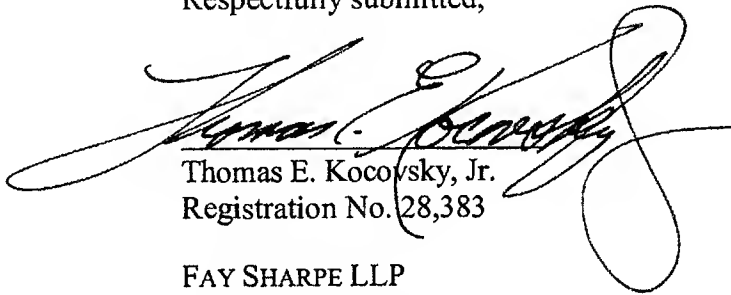
on steps performed in the preceding discussed independent claims, and a display device. Claim 18 emphasizes that the directions along which the segmented data set are projected are selected based on an analysis of the segmented image data without operator input; whereas, Fenster focuses on a brachytherapy planning system. Column 4, lines 11-21 of Fenster focuses on identifying the cancer which cancer assists in determining the visualization directions. By distinction, claim 18 calls for selecting the viewing directions based on the interventional structure in the segmented image data without operator input. This has the advantage of automatically selecting or changing the viewing directions during an interventional operation, such as during the implantation of brachytherapy radioactive seeds, based on the location of the implanting probe. The operator can focus attention on the implanting operation without being distracted by selecting viewing directions for the images. Because electronics, such as inputs for controlling a processor to change viewing directions are often impractical to sterilize, there is often a cumbersome, sterilizable interface which tends to make changing viewing directions more difficult for a surgeon than in a non-sterile environment. Accordingly, it is submitted that claim 18 and claims 19-20 dependent therefrom distinguish patentably and unobviously over the references of record.

CONCLUSION

For the reasons set forth above, it is submitted that claims 2-8, 10, and 12-20 distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Thomas E. Kocovsky, Jr.", is written over the printed name and registration number.

Thomas E. Kocovsky, Jr.
Registration No. 28,383

FAY SHARPE LLP
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, OH 44115-1843
Telephone: 216.363.9000 (main)
Telephone: 216.363.9122 (direct)
Facsimile: 216.363.9001
E-Mail: tkocovsky@faysharpe.com